

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE BANK OF NEW YORK MELLON,
LONDON BRANCH, as Indenture Trustee
under the Indenture dated as of April 30, 2007,

Interpleader Plaintiff,

-vs-

CART 1, LTD., as Issuer; DEUTSCHE BANK
AG FRANKFURT, as Swap Counterparty; and
CRC CREDIT FUND, LTD.,

Interpleader Defendant.

Index No. 1:18-cv-06093-JPO

STIPULATION AND ORDER OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel, pursuant to Rules 41(a)(2) and 41(c)(1) of the Federal Rules of Civil Procedure and Rule 77.1 of the Local Civil Rules for the United States Court for the Southern District of New York, as follows:

1. CART 1, Ltd. hereby agrees to be bound to the Court's resolution of all claims in the above-referenced interpleader action (the "Action") and any settlement by CRC Credit Fund, Ltd. and Deutsche Bank AG with respect to their entitlement to the funds that are the subject matter of the Action.
2. CART 1, Ltd. agrees to cooperate in good faith in discovery in the Action.
3. No responsive pleading having been served, CRC Credit Fund, Ltd.'s cross-claims against CART 1, Ltd. in the above-captioned interpleader action are hereby voluntarily dismissed without prejudice.
4. Except to the extent previously agreed in writing, each party shall only bear its own attorneys' fees, costs and disbursements associated with this Action.

New York, New York
Dated: September 12, 2018

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SO ORDERED:

Hon. J. Paul Oetken, U.S.D.J.

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